



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT	)	PDC CASE NO: 04-273
ACTION AGAINST	)	
	)	Notice of Administrative
International Brotherhood of Electrical	)	Charges
Workers Local Union No. 46	)	
	)	
Respondent.	)	

IT IS ALLEGED as follows:

**I.**  
**JURISDICTION**

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

**II.**  
**LAW**

**RCW 42.17.020(29)** states, "'Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist."

**RCW 42.17.180** states in part the following:

"(1) Every employer of a lobbyist registered under this chapter during the preceding calendar year ... shall file with the commission on or before the last day of February of each year a statement disclosing for the preceding calendar year the following information:

(d) All contributions made to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by the name and address of the recipient and the aggregate amount contributed to each such recipient.

*"The public's right to know of the financing of political campaigns and lobbying  
and the financial affairs of elected officials and candidates far outweighs  
any right that these matters remain secret and private."*

RCW 42.17.010 (10)



(g) The identifying proposition number and a brief description of any state-wide ballot proposition supported or opposed by expenditures not reported under (d) of this subsection and the amount of each such expenditure.

(h) Such other information as the commission prescribes by rule.

(2)(a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution which is made through a registered lobbyist and reportable under RCW 42.17.170.”

**WAC 390-20-110 Forms for lobbyist employers report**, states in part: “The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated “L-3,” revised 1/02.”

**WAC 390-20-111 Form for lobbyist employers report of political contributions**, states in part: “The official form entitled “Employer of Lobbyist Monthly Political Contribution Report” as required by RCW 42.17.180(2)(a) is designated “L-3c” revised 1/02.”

**RCW 42.17.175** requires an employer of a registered lobbyist to file a special report within 24 hours of making a contribution or an aggregate of contributions to a single entity that is more than \$500 during the 21 days immediately preceding a primary or general election.<sup>1</sup>

### **III.**

### **BACKGROUND**

International Brotherhood of Electrical Workers, Local Union No. 46 (IBEW Local 46) is a Seattle, Washington based labor organization comprised of electrical workers. IBEW Local 46

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<sup>1</sup> Effective January 1, 2002, the special reports reporting threshold was increased to \$1,000.

employed registered lobbyist Richard King in 2001, 2002, and 2003. Mr. King registered IBEW Local 46 as his employer on January 10, 2001 and again on January 17, 2003.<sup>2</sup>

On June 11, 2003, Gary Price, Business Manager for IBEW Local 46, and the union's attorney, Jim Oswald, came to Olympia and self reported a lapse in reporting by the union and its political committee, Electrical Workers PAC 46. As a result of the discussions, it became apparent that IBEW Local 46 and its PAC had failed to file all reports required by the Public Disclosure Law. It was apparent that IBEW Local 46 had failed to file required reports since 2001. Mr. Price acknowledged the lapse in reporting and agreed that enforcement would be appropriate. The issues related to the political committee were addressed at a Brief Enforcement Hearing held October 15, 2003.

#### **IV.** **FACTS**

**Failure to file Five Lobbyist Employer's Contribution Reports (PDC form L-3c) covering monthly contributions during 2001, 2002 and 2003, due by the 15<sup>th</sup> of the following month (RCW 42.17.180)**

The Respondent, IBEW Local 46, is a "lobbyist's employer" as defined in RCW 42.17.020(29). During 2001, 2002 and 2003, IBEW Local 46 made contributions to candidates and political committees totaling \$17,550 that were reportable under RCW 42.17.180 on PDC form L-3c as follows:<sup>3</sup> **(See Exhibit 1)**

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<sup>2</sup> The lobbyist registration filed on January 10, 2001 was valid until January 13, 2003 unless terminated by the lobbyist. Mr. King did not terminate his registration.

<sup>3</sup> Registered lobbyists can relieve their employers of the special reporting requirement by disclosing the contributions on the lobbyist's monthly report; The lobbyist for IBEW Local 46 did not report contributions made by IBEW Local 46 on his monthly lobbyist reports.

Contribution

<u>Date</u>	<u>L-3c Due</u>	<u>Filed</u>	<u>Late</u>	<u>Amount</u>
10/01	11/15/01	7/18/03	1 Yr. 8 Mo.	\$ 5,000
8/02	9/15/02	7/18/03	10 Mo.	\$ 2,550
10/02	11/15/02	7/18/03	8 Mo.	\$ 8,900
1/03	2/15/03	7/18/03	5 Mo.	<u>\$ 600</u>
Total				\$17,550

The contributions were not reported on PDC form L-3c until July 18, 2003.

**Failure to timely disclose contributions on annual Lobbyist Employer Report (PDC form L-3) covering contributions during 2001 and 2002 (RCW 42.17.180)**

IBEW Local 46 made individual contributions to a committee opposing a statewide ballot issue and two legislative candidates in 2001, and made individual contributions to 29 legislative candidates and one committee supporting a statewide ballot issue in 2002, and failed to timely disclose any of contributions on L-3 reports filed for those respective years as follows:

<u>Contribution Year</u>	<u>L-3 Due</u>	<u>Contribution Reported</u>	<u>Late</u>	<u>Amount</u>
2001	2/28/02	7/18/03	1 Yr. 4 ½ Mo.	\$ 2,200
2002	2/28/03	7/18/03	4 ½ Mo.	<u>\$11,450</u>
Total				\$13,650

The L-3 reports were filed in a timely manner, but did not contain the contributions listed above until amendments were filed July 18, 2003. (See Exhibit 2)

**Failure to timely file special reports of contributions, as required within 21 days of a general election, within 24 hours of making the contributions to a single entity (RCW 42.17.175)**

IBEW Local 46 made six contributions during October 2001, totaling \$3,400, for which it failed to file special last minute contribution reports. (See Exhibit 3) The special reporting period began October 16, 2001 and concluded on November 5, 2001.

**V.**  
**CONCLUSION**

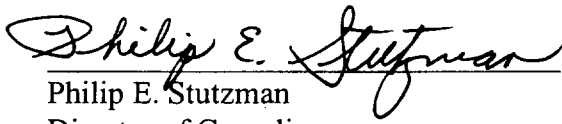
- IBEW Local 46 was an employer of a lobbyist during 2001, 2002 and 2003. IBEW Local 46 failed to timely file monthly contribution reports (PDC form L-3c) as required by RCW 42.17.180 during 2001, 2002 and 2003 for contributions totaling \$17,750.
- IBEW Local 46 failed to include contributions made to state office candidates and statewide ballot issue committees on its timely filed annual Lobbyist Employer reports (PDC form L-3) as required by RCW 42.17.180 covering contributions made during 2001 and 2002, totaling \$13,650.
- IBEW Local 46 failed to file special reports of contributions made within 21 days of the 2001 general election, as required by RCW 42.17.175, totaling \$3,400.

Staff alleges, based on the facts specified in Section IV, that IBEW Local 46 has violated RCW 42.17.180:

- by failing to timely file Lobbyist Employer reports of contributions (PDC form L-3c) for contributions made during 2001, 2002 and 2003; and
- by failing to timely include its contributions made to state office candidates and statewide ballot issue committees on its annual Lobbyist Employer's Report (PDC form L-3) covering lobbying activities during 2001 and 2002.

Staff alleges, based on the facts specified in Section IV, that IBEW Local 46 has violated RCW 42.17.175 by failing to file special reports of contributions made within 21 days of the 2001 general election.

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of November, 2003.

  
Philip E. Stutzman  
Director of Compliance

**List of Exhibits**

Exhibit 1	Summary of contributions not timely reported on L-3c Reports
Exhibit 2	Summary of contributions not timely reported on L-3 Reports
Exhibit 3	Summary of contributions made for which Special Reports were required

**Summary of contributions made by IBEW Local 46 that were not timely reported on L-3c**

<u>DATE OF CONTRIB.</u>	<u>RECIPIENT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
10/2/2001	Vote No on I-747	\$ 1,000	
10/2/2001	A Whole Lot of People to Elect Brian Sullivan	600	
10/16/2001	Jean Berkey for State Representative	600	
10/23/2001	Carolyn Edmonds for King Co Council	600	
10/23/2001	Committee to Elect Lawrence Molloy	600	
10/23/2001	Rich Hildreth	600	
10/23/2001	Neighbors for Nickels	600	
10/23/2001	Committee to Elect Lawrence Molloy	400	
			\$ 5,000
8/27/2002	Committee to Elect Rebecca Clark	300	
8/27/2002	Committee to Re-elect Geoff Simpson	300	
8/27/2002	Citizens for Mary Lou Dickerson	100	
8/27/2002	Friends of Hans Dunshee	150	
8/27/2002	Citizens to Elect Steve Conway	300	
8/27/2002	Friends of Karen Keiser	300	
8/27/2002	Committee to Re-elect Mike Cooper	100	
8/27/2002	Pat Sullivan for State Representative	200	
8/27/2002	Committee to Elect Sherry Appleton	300	
8/27/2002	Yes on Referendum 51	500	
			2,550
10/4/2002	Committee to Re-elect Al O'Brien	400	
10/4/2002	Committee to Elect Sherry Appleton	400	
10/4/2002	Friends of Jeanne Edwards	500	
10/4/2002	Committee to Re-elect Patricia Lantz	400	
10/4/2002	Re-elect Brock Jackley State Rep	400	
10/4/2002	Committee to Elect Greg Markley	400	
10/4/2002	Friends of Laura Ruderman	400	
10/4/2002	Friends of Dave Asher	400	
10/4/2002	Jacobson for State Senate	500	
10/4/2002	Pat Sullivan for State Representative	400	
10/4/2002	Friends of Ross Hunter	400	
10/21/2002	Judy Clibborn for State Representative	400	
10/21/2002	Committee to Elect Dawn Morrell, RN	400	
10/21/2002	The People for Dave Seabrook	400	
10/21/2002	Committee to Elect Deb Wallace	400	
10/21/2002	Citizens to Elect Eron Berg	600	
10/21/2002	Phil Doerflein for State Senate	600	
10/12/2002	Friends of Laurie Dolan for State Senate	600	
10/12/2002	Committee to Re-elect Georgia Gardner	600	
10/12/2002	Committee to Re-elect John Lovick	300	
			8,900
1/8/2003	(Cynthia) Sullivan 2003	600	
			600
3/19/2003	Richard Hildreth	500	
			500
<b>TOTAL</b>			<b>\$17,550</b>

**Summary of contributions made by IBEW Local 46 that were not timely reported on L-3**

<u>DATE OF CONTRIB.</u>	<u>RECIPIENT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
10/2/2001	Vote No on I-747	\$ 1,000	\$ 2,200
10/2/2001	A Whole Lot of People to Elect Brian Sullivan	600	
10/16/2001	Jean Berkey for State Representative	600	
			\$ 2,200
8/27/2002	Committee to Elect Rebecca Clark	300	2,550
8/27/2002	Committee to Re-elect Geoff Simpson	300	
8/27/2002	Citizens for Mary Lou Dickerson	100	
8/27/2002	Friends of Hans Dunshee	150	
8/27/2002	Citizens to Elect Steve Conway	300	
8/27/2002	Friends of Karen Keiser	300	
8/27/2002	Committee to Re-elect Mike Cooper	100	
8/27/2002	Pat Sullivan for State Representative	200	
8/27/2002	Committee to Elect Sherry Appleton	300	
8/27/2002	Yes on Referendum 51	500	
			2,550
10/4/2002	Committee to Re-elect Al O'Brien	400	8,900
10/4/2002	Committee to Elect Sherry Appleton	400	
10/4/2002	Friends of Jeanne Edwards	500	
10/4/2002	Committee to Re-elect Patricia Lantz	400	
10/4/2002	Re-elect Brock Jackley State Rep	400	
10/4/2002	Committee to Elect Greg Markley	400	
10/4/2002	Friends of Laura Ruderman	400	
10/4/2002	Friends of Dave Asher	400	
10/4/2002	Jacobson for State Senate	500	
10/4/2002	Pat Sullivan for State Representative	400	
10/4/2002	Friends of Ross Hunter	400	
10/21/2002	Judy Clibborn for State Representative	400	
10/21/2002	Committee to Elect Dawn Morrell, RN	400	
10/21/2002	The People for Dave Seabrook	400	
10/21/2002	Committee to Elect Deb Wallace	400	
10/21/2002	Citizens to Elect Eron Berg	600	
10/21/2002	Phil Doerflein for State Senate	600	
10/12/2002	Friends of Laurie Dolan for State Senate	600	
10/12/2002	Committee to Re-elect Georgia Gardner	600	
10/12/2002	Committee to Re-elect John Lovick	300	
			8,900
<b>TOTAL</b>			<b>\$13,650</b>



IBEW Local 46  
PDC Case No. 04-273

**Summary of contributions made by IBEW Local 46 that were not reported on a  
Special Report as last minute contributions**

<u>DATE OF CONTRIBUTION</u>	<u>RECIPIENT</u>	<u>AMOUNT OF CONTRIBUTION</u>
10/16/2001	Jean Berkey for State Representative	\$600
10/23/2001	Carolyn Edmonds for King Co Council	600
10/23/2001	Committee to Elect Lawrence Molloy	600
10/23/2001	Richard Hildreth	600
10/23/2001	Neighbors for Nickels	600
10/31/2001	Committee to Elect Lawrence Molloy	400
<b>TOTAL</b>		<b>\$3,400</b>